



En Banc Decisions

BOARD OF PAROLE HEARINGS

Tuesday, March 21, 2023

DESILVA, MIGUEL

D58821

Tie Vote pursuant to Penal Code section 3041

Sentencing Court: Los Angeles

Motion: The Board finds that Miguel DeSilva poses an unreasonable risk of danger and denies parole for three years for the reasons stated by the panel member who voted to deny parole at Miguel DeSilva's February 16, 2023 hearing.

Motion by: Garland

Second by: Chappell

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ADAMS, DAVID

K97939

Referred by the Chief Counsel under California Code of Regulations, title 15, section 2450 et seq., and referred by the Governor under Penal Code section 3041.1

Sentencing Court: Kern

Motion: Refer for a rescission hearing to consider whether the panel's October 11, 2022 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated February 6, 2023 and new information dated February 28, 2023.

Motion by: Chappell

Second by: Dobbs

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ALLEN, ANDRE

P05749

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's October 26, 2022 decision to grant parole, as articulated in the panel's proposed decision and add the special condition of parole, Andre Allen shall report to, enroll in, and actively participate in a Division of Adult Parole Operations approved treatment program specific to sex offenders at the direction of their parole agent.

Motion by: Long

Second by: Sharrieff

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ANDRADE, TODD

V88970

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Madera

Motion: Affirm the panel's November 2, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Chappell

Second by: Sullivan

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

APPLIN, BLAINE

P65786

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Affirm the panel's November 8, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Sharrieff

Second by: Sullivan

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

BURKE, TERRANCE

P15892

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Placer

Motion: Affirm the panel's November 17, 2022 decision to grant parole, as articulated in the panel's proposed decision and include the special condition of parole, Terrance Burke shall not contact or communicate with the surviving victim, or members of the surviving victim's family.

Motion by: Taira

Second by: Purcell

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

COTTON, DUANE

K94908

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's November 15, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Sullivan

Second by: Chappell

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

GOMEZ, JOSEPH

T41858

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Orange

Motion: Refer for a rescission hearing to consider whether the panel's October 27, 2022 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated February 17, 2023.

Motion by: Minor

Second by: Dobbs

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

GUYTON, FRANCISCO

P40516

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Joaquin

Motion: Affirm the panel's October 27, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Long

Second by: Sharrieff

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

HOLIMAN, SCOTT

V28034

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Santa Clara

Motion: Affirm the panel's November 3, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Dobbs

Second by: Sullivan

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

KUNS, JR., RONALD

P84826

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Kern

Motion: Affirm the panel's October 7, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Sharrieff

Second by: Taira

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

LELAND, RHONDA

W62446

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Shasta

Motion: Affirm the panel's October 27, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Taira

Second by: Long

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

MABREY, ALAN

AB8395

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Affirm the panel's October 25, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Garland

Second by: Purcell

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

RODRIGUEZ, JOSE

T29526

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Bernardino

Motion: Affirm the panel's November 1, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Long

Second by: Sullivan

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

RODRIGUEZ, JOSEPH

AB3551

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Riverside

Motion: Affirm the panel's October 26, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Sullivan

Second by: Garland

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

SCHEINUCK, JOSEPH

G64012

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Santa Clara

Motion: Affirm the panel's September 29, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Chappell

Second by: Minor

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.

WILLIAMS, RAYMOND

D18589

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's November 2, 2022 decision to grant parole, as articulated in the panel's proposed decision and include these special conditions of parole, Raymond Williams (1) shall not contact or communicate with the surviving victims, or members of the surviving victims' families, and (2) shall parole to a county other than Sacramento County to better facilitate a successful transition into the community.

Motion by: Dobbs

Second by: Sullivan

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained: Minor

Decision: Motion approved by a majority of the commissioners present.

YBARRA, MICHAEL

V77243

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Joaquin

Motion: Affirm the panel's November 3, 2022 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Minor

Second by: Chappell

Not Present: Barton, Cassady, Garcia, Ndudim, Nwajei, O'Meara, Ruff, Schneider, Thornton

Abstained:

Decision: Motion approved by a majority of the commissioners present.
